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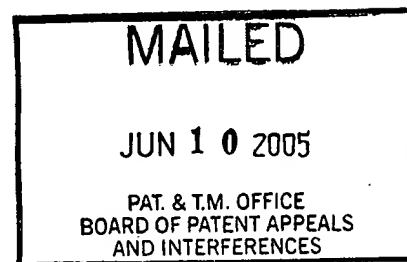
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

<u>Ex parte</u> CRIS T. PALTENGHE, ALNOOR B. MAMDANI, MELVIN M. TAKATA and GREGORY LEE HUDDLESTON

Appeal No. 2005-0748
Application No. 09/190,727

MAILED

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PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ON BRIEF

Before FRANKFORT, BARRETT, and NASE, <u>Administrative Patent Judges</u>.

FRANKFORT, <u>Administrative Patent Judge</u>.

<u>DECISION ON APPEAL</u>

This is a decision on appeal from the examiner's final rejection of claims 22-24, which are all of the claims pending in this application. Claims 1-21 were cancelled by an amendment filed June 19, 2000. Claim 26 was cancelled by an amendment filed December 21, 2000 and claim 25 was cancelled by an amendment filed June 20, 2002.

THE INVENTION

The appellants' invention relates to an anonymous shopping service. See, for example, pages 8-9 and 20-21 of the specification and Figure 11 of the drawings. An information bank (23) having an anonymizer module (153) acts as an intermediary between a consumer (25) and a merchant (133). The information bank replaces the identity of the customer with a different alias for each merchant website. The anonymous shopping service allows a consumer to span multiple shopping sites and shopping sessions and create a consolidated order. The information bank then consolidates orders from multiple consumers and pays the merchants directly in lump sum together with a summary of orders and corresponding ship-to addresses. The information bank bills the consumer so that credit card and other identification are not exchanged over the Internet. The consumer also has the option of having their purchases shipped initially to a drop box or reshipper address where a third party will then ship the purchases to the consumer at their address.

Representative claim 22 reads as follows:

A method of transmitting purchase data in a database concerning a first consumer's order to at least one merchant independently of action by the first consumer, the method comprising:

storing a first data store made up of data comprising a first consumer's purchase data;

storing a second data store made up of data comprising a second consumer's purchase data;

extracting the first consumer's purchase data from the database;

extracting the second consumer's purchase data from the database;

combining the first consumer's purchase data with the second consumer's purchase data;

anonymizing the purchase data from the first and second consumers' orders into anonymous data; and

transmitting the anonymous data to the at least one merchant wherein the combining and anonymizing steps are performed independently of any input from the first or second consumer.

THE PRIOR ART

The prior art references of record relied upon by the examiner in rejecting the

appealed claims are:

Low et al. (Low)	5,420,926	May 30, 1995
Goldhaber et al. (Goldhaber)	5,794,210	Aug. 11, 1998
O'Neil et al. (O'Neil)	5,987,440	Nov. 16, 1999

THE REJECTIONS

Claims 22 and 24 stand rejected under 35 U.S.C. § 103 (a) as being

unpatentable over Goldhaber in view of O'Neil.

Claim 23 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over

Goldhaber in view of O'Neil and further in view of Low.

Rather than reiterate the conflicting viewpoints advanced by the appellants and

the examiner regarding the above noted rejections, we refer to the examiner's answer

(mailed September 7, 2004) and appellants' brief (filed June 23, 2004) for a full

exposition thereof.

OPINION

Having carefully reviewed the obviousness issues raised in this appeal in light of the record before us, we make the determinations that follow.

Before addressing the merits of the rejection, we would like to again highlight the subject matter of appellant's invention. Appellants' invention relates to an anonymous shopping feature that functions like a "shopping cart" on a website, which enables a consumer to create a consolidated purchase order after spanning multiple merchant websites and shopping sessions. The anonymous shopping feature utilizes an information bank to serve as an intermediary between the customer and the merchant. The information bank provides an alias for each consumer, and a different alias can be used for different merchants. The information bank consolidates orders made by different consumers and pays the merchants directly in lump sum along with a summary of orders and corresponding ship to addresses. The consumer is billed by the information bank so that credit card information and other information are not transmitted over the Internet. In contrast, the Goldhaber reference which has been used by the examiner as the principle reference in the obviousness rejections on appeal addresses various methods for merchants to target advertising to interested consumers utilizing demographic data. We note that although appellants devote a significant part of their specification to subject matter similar to that disclosed by Goldhaber, i.e., to a third party service to market demographic and other marketing related information to manufacturers, distributors, etc., appellants' claims 22-24 are directed to the anonymous

shopping feature disclosed at page 8, line 20 through page 9, line 3, page 20, line 27 through page 21, line 26 and Figure 11.

Regarding the examiner's rejection of claim 22, we first note that this claim is directed to a method of transmitting purchase data in a database to a merchant, where the purchase data concerns first and second consumers' orders that have been combined and anonymized. Claim 22 recites the steps of combining first and second consumer's purchase data and "anonymizing the purchase data from the first and second consumer's orders into anonymous data", and indicates that the combining and anonymizing steps "are performed independently of any input from the first or second consumer." The examiner has recognized that Goldhaber does not disclose the step of combining the purchase data, for which the examiner has turned to O'Neil. The examiner also points to various portions of Col. 6, lines 24-61 of Goldhaber as meeting the limitations with respect to anonymizing purchase data. However, a reading of the aforementioned portion of the Goldhaber reference indicates the creation of consumer demographic profiles that protect the identity of the consumers. In other words, Goldhaber addresses anonymizing the contact information or customer identity associated with a consumer's demographic or interest profile so that their name and address can not be readily accessed by advertisers. In contrast, claim 22 expressly requires anonymizing purchase data from first and second consumers' orders, rather than contact information or customer identity associated with a consumer's demographic or interest profile.

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The Goldhaber reference also discusses consumers' past purchases or transactions, but discloses that a consumer can choose to exclude a transaction from his demographic or interest profile and can delete any transaction records. See Col. 6, lines 49-58. The exclusion of certain transactions from a consumer demographic profile is not necessarily the same as removing or anonymizing all transactions from the demographic profile. Even if the exclusion of a consumer's past purchase or transaction from their profile could be considered to read on "anonymizing purchase data", it appears that excluding past purchases or transactions requires input by the consumer. This express passage in Goldhaber is contrary to the claim language requiring that "the combining and anonymizing steps are performed independently of any input from the first or second consumer."

Claim 22 also requires "transmitting the anonymous data to at least one merchant". Goldhaber does not disclose transmitting purchase data relating to first and second consumers' orders that has been combined and anonymized to at least one merchant. Goldhaber discloses that customer interest or demographic profiles, which can include consumers' past transactions or purchases, are stored at the consumers' computers or at attention brokerage services. A software agent associated with a consumer's computer can present the user's interest profile to an attention brokerage server, or the software agent can maintain the interest profile confidential. See Col. 14, lines 41-43 and Col. 15, lines 57-63. Although the user interest profile can be presented to an attention brokerage service, it does not appear that there is transmission of this data to a merchant. Moreover, as explained before, Goldhaber has

not disclosed anonymizing and combining purchase data relating to first and second

consumers' orders. In conclusion, the Goldhaber reference also fails to meet the claim

limitation of transmitting purchase data relating to first and second consumers' orders,

which has been combined and anonymized, to at least one merchant.

The examiner has relied on the O'Neil reference to address the step of

"combining the first consumer's purchase data with the second consumer's purchase

data". The O'Neil reference generally discloses the creation of an Internet community

where individual members of the Internet community can create access rules for each

piece of their personal information. An E-broker utilizing the access rules can enable

others to gain access to the pieces of personal information depending on the

established access rules. The examiner has specifically relied on Col. 13, line 65-Col.

14, line 14 of O'Neil which discloses an E-broker that searches all members of the

community to find those that have expressed an interest in purchasing a car and creates

a list of those members for a personal information agent (E-PIA). Like Goldhaber,

O'Neil does not disclose purchase data concerning first and second consumers' orders,

rather it appears that O'Neil gathers demographic information and creates an internet-

based listing of its members to be sent to a merchant. O'Neil also fails to meet the

elements of claim 22 discussed above with respect to Goldhaber.

Since the Goldhaber and O'Neil references do not render obvious the limitations

of "anonymizing the purchase data from the first and second consumers' orders into

anonymous data", "wherein the combining and anonymizing steps are performed

independently of any input from the first or second consumer" and "transmitting the anonymous data to at least one merchant", the examiner's rejection of claim 22 under 35 U.S.C. § 103 as being unpatentable over Goldhaber in view of O'Neil is reversed.

Concerning claim 23, we note that appellants have indicated on page 3 of their brief that dependent claim 23 is grouped to stand or fall with claim 22. In rejecting claim 23, the examiner has utilized Low as a tertiary reference to address anonymizing credit card numbers. Low generally discloses the processing of anonymous credit card transactions, where each party to the transaction can only read the information necessary for their part of the transaction. Like O'Neil, Low does not meet the limitations of claim 22 discussed above with respect to Goldhaber. Thus, given our disposition of claim 22 above, it follows that the examiner's rejection of claim 23 under 35 U.S.C. § 103 as being unpatentable over Goldhaber in view of O'Neil and further in view of Low is also reversed.

Regarding claim 24, we note that appellants have indicated on page 3 of their brief that dependent claim 24 is grouped to stand or fall with claim 22. Thus, given our disposition of claim 22 above, it follows that the examiner's rejection of claim 24 under 35 U.S.C. §103 as being unpatentable over Goldhaber in view of O'Neil is also reversed.

CONCLUSION

In summary:

The examiner's rejection of claims 22 and 24 under 35 U.S.C. § 103 (a) as being unpatentable over Goldhaber in view of O'Neil is reversed.

The examiner's rejection of claim 23 under 35 U.S.C. § 103 (a) as being unpatentable over Goldhaber in view of O'Neil and further in view of Low is reversed.

The decision of the examiner is reversed.

REVERSED

CHARLES E. FRANKFORT   )
Administrative Patent Judge   )
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)
)
LEE E. BARRETT   ) BOARD OF PATENT
Administrative Patent Judge   )   APPEALS
)   AND
)   INTERFERENCES
)
JEFFREY V. NASE   )
Administrative Patent Judge   )

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